

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARCUS F. MORRIS

PETITIONER

V.

NO. 4:17-CV-120-DMB-RP

**JACQUALYN A. BANKS and
ATTORNEY GENERAL OF THE
STATE OF MISSISSIPPI**

RESPONDENTS

ORDER OF TRANSFER

On August 14, 2017, Marcus F. Morris filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his life sentence for the capital murder conviction he received in the Circuit Court of Washington County, Mississippi. Doc. #1. Morris has filed at least three other § 2254 petitions concerning the same conviction he now seeks to challenge. *See Morris v. Epps*, No. 4:11-cv-122 (N.D. Miss.) (filed Oct. 31, 2011); *Morris v. Denmark*, No. 4:14-cv-155 (N.D. Miss.) (filed Oct. 31, 2014); *Morris v. Banks*, No. 4:15-cv-159 (N.D. Miss.) (filed Oct. 30, 2015).

The Antiterrorism and Effective Death Penalty Act requires that before a second or successive petition is filed in the district court, “the applicant move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). When a prisoner has not obtained the necessary order of authorization, the district court may transfer the petition to the Fifth Circuit “for a determination [as to] whether the successive petition should be allowed.” *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997).

The record shows that Morris has not obtained an order of authorization to pursue his successive petition. Therefore, in the interest of justice and judicial economy, the Clerk of the Court is **DIRECTED** to (1) transfer this petition and the entire record of this case to the Fifth

Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(c), and 28 U.S.C. § 1631, and (2) close this case on the Court's docket. Accordingly, Morris' pending motions to proceed in forma pauperis [2] and for reconsideration [3] are **DENIED as moot**.

SO ORDERED, this 14th day of September, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE